IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

RP.No. 268 of 2007(C)

AGAINST THE JUDGEMENT IN WPC.20187/2006 Dated 03/11/2006

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PETITIONER/REVIEW PETITIONER

BABU JOHN, S/O.JOHN, VAZHIPLAKKAL HOUSE,
NEDUMKUNNAM VILLAGE, CHANGANACHERRY TALUK,
KOTTAYAM (DIST).

BY ADV. SRI.C.S.MANU

RESPONDENTS: RESPONDENTS

1.STATE OF KERALA, REPRESENTED BY ITS
SECRETAR TO GOVT. OF KERALA, DEPARTMENT OF
LOCAL ADMINISTRATION, GOVT. OF SECRETARIAT,
THIRUVANANTHAPURAM.

2.REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

3.NEDUMKUNNAM GRAMA PANCHAYATH,
NEDUMKUNNAM P.O.,
REPRESENTED BY ITS SECRETARY.

4.PRESIDENT, NEDUMKUNNAM GRAMA PANCHAYATH
NEDUMKUNNAM P.O.,
KOTTAYAM (DIST).

5.VICE PRESIDENT,
NEDUMKUNNAM GRAMA PANCHAYATH,
NEDUMKUNNAM P.O.,
KOTTAYAM (DIST).

R1-R2 BY GOVT. PLEADER SMT.T.B.RAMANI
R3 TO R5 BY ADV.MR.MATHEW SEBASTIAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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R.P.NO.268 of 2007 in W.P.(C)No.20187 of 2006

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Dated: 10th April, 2007

ORDER

The grievance of the petitioner who was the petitioner in the Writ Petition is that though the petitioner is carrying on levelling work and removing soil for the limited purpose of levelling only as permitted by Exts.P3 and P4, the Panchayat and the local people are taking up the stand that under Exts.P3 and P4 the petitioner is not entitled to remove any soil at all.

2. Mr.Mathew Sebastian, counsel for the Panchayat would submit that under the guise of levelling the land the petitioner is commercially excavating the land and removing the sand even beyond the extent necessary for levelling the sand for sale.

3. The Review Petition will stand disposed of clarifying that the stand of the Panchayat and the persons who are opposed to the activities of the petitioner that the petitioner is not entitled to remove any soil at all is not correct. The petitioner is entitled to excavate the land to the extent necessary for levelling the land and is entitled to remove the sand which has been generated while excavating the same for the purpose of levelling the land.

srd **PIUS C.KURIAKOSE, JUDGE**